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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554



In the Matter of )  
 )  
North American Numbering Plan ) CC Docket No. 92-237  
Administration )

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

PETITION FOR WAIVER

The National Exchange Carrier Association, Inc. (NECA) hereby petitions the Commission, pursuant to section 1.3 of the Commission's rules (47 C.F.R. § 1.3), for a temporary waiver of the requirement, imposed on NECA in the *Third Report & Order* of this docket,<sup>1</sup> that it establish a separate subsidiary. Grant of such a waiver will allow funds to be collected and disbursed to the North American Numbering Plan Administrator (NANPA) by late March 1998, as originally scheduled, while arrangements proceed to organize a board of directors for the subsidiary. NECA also seeks a waiver of the order's requirements, to the extent necessary, to permit the subsidiary to hold one face-to-face meeting in Washington, D.C., and three conference call meetings per year, to which the public would be invited.<sup>2</sup> Grant of such a waiver will minimize costs associated with B&C administration.

**I. Background**

In its *Third Report & Order*, the Commission selected NECA as the NANPA B&C Agent subject to certain subsidiary neutrality conditions.<sup>3</sup> The Commission directed NECA to create, as soon as possible, an independent, not-for-profit subsidiary corporation, similar to the USAC

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<sup>1</sup> Administration of the North American Numbering Plan, *Third Report and Order*, CC Docket No. 92-237, FCC 97-372 at ¶¶ 68, 84-97 (rel. Oct. 9, 1997).

<sup>2</sup> See *id* at ¶ 86.

<sup>3</sup> *Id* at ¶ 68.

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model, under the laws of Delaware to be designated the NANPA B&C Agent.<sup>4</sup> The Commission further directed NECA to submit proposed articles of incorporation, bylaws, and any documents necessary to incorporate the B&C Agent, which NECA did.<sup>5</sup> The Commission is to approve or modify the proposed documents through a Public Notice.<sup>6</sup>

## **II. Temporary Waiver of Subsidiary Conditions**

Upon issuance of a public notice by the Commission approving the incorporation documents, NECA will form the B&C Agent subsidiary in the name of “North American Billing and Collection Corporation” (NBANC). The initial meeting of the NBANC Board of Directors will be held as soon as practicable thereafter.

To allow funds to be collected and disbursed to the NANPA by late March 1998 as scheduled, it will be necessary for the data collection and billing processes to commence prior to the NBANC Board of Directors’ initial meeting. As the NBANC Board is not yet in place, NECA accordingly seeks a temporary waiver of the Commission rules, to the extent necessary, to immediately begin fulfilling the tasks of the NANP B&C Agent pending the initial NBANC Board meeting.<sup>7</sup>

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<sup>4</sup> *Id* at ¶ 84. “USAC” stands for the Universal Service Administrative Company, which is an independent subsidiary of NECA the Commission designated to be the temporary administrator of the universal service programs.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> NECA expects that the first NBANC Board meeting will occur shortly, and that the requested waiver need not exceed 90 days duration. Board nominations have been received and finalization of board representation is imminent. NECA intends to report on its progress to the NANC, the NANPA and the Commission, and will relinquish responsibility for the program to NBANC at its initial board meeting.

Pursuant to section 1.3 of the Commission's rules, NECA has shown good cause for the Commission to grant the waiver NECA seeks. Without a waiver, NECA cannot begin any of NBANC's functions and the flow of funds by March will be highly unlikely. It is in the public interest to have the funds flow as soon as possible, and no later than the original implementation date, so that the NANPA may operate as intended. Because NECA is capable of beginning the process to accomplish this goal and will relinquish responsibility immediately upon NBANC's first board meeting, the Commission should grant the temporary waiver NECA requests.

### **III. Waiver of Board Meetings Location Requirement**

To minimize costs, NECA also seeks a waiver, to the extent necessary, from the requirement that NBANC board meetings be held in Washington, D.C. quarterly. Instead, NBANC's board of directors would hold one, annual face-to-face public meeting in Washington, D.C. In addition, three conference call board meetings would be held annually with public participation invited. All meetings would be announced in advance on NECA's website.

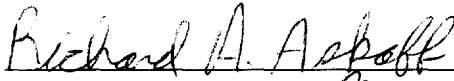
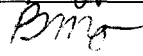
Pursuant to section 1.3 of the Commission's rules, good cause exists for the Commission to grant this waiver. Based on experience with other programs, NECA believes that quarterly face-to-face meetings are not necessary for NBANC to discharge its responsibilities effectively. Holding three conference call meetings would reduce administrative expenses and allow accessibility and convenience to a potentially larger number of interested parties, especially those located outside of Washington, D.C.

### **IV. Conclusion**

For all of the foregoing reasons, the Commission should grant NECA's request for a temporary waiver of the subsidiary neutrality conditions required of NECA in the *Third Report & Order*, and a waiver, to the extent necessary, of the Commission's requirement that the B&C

Agent's board of directors meetings be held in Washington, D.C.

Respectfully submitted,  
National Exchange Carrier Association, Inc.

  
Richard A. Askoff 

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January 27, 1998

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served this 28th day of December, 1998, by mailing copies thereof by United States Mail, first class postage paid or by hand delivery, to the persons listed below.

By: Perry S. Goldschein  
Perry S. Goldschein *PSG*

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